

AG Contract No. KR02-1959TRN  
ADOT ECS File No. JPA 02-88  
5-Year Item #s 86403 & 86603  
Project Nos.: NH-060-B(008)B &  
NH-060-B(007)B  
TRACS Nos.: H5600 01C & H5601 01C  
Section: US 60 (Grand Avenue)  
@ 55<sup>th</sup> & Maryland Avenues (Maryland  
Avenue Overpass) and 67<sup>th</sup> & Northern  
Avenues (67<sup>th</sup> Avenue Overpass)  
City of Glendale – C-XXXX

**AMENDMENT NO. ONE (1)  
INTERGOVERNMENTAL AGREEMENT**

**City of Glendale C-4775-1**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF GLENDALE

THIS AGREEMENT is entered into 13th August, 2003, **Amendment Number # 1** to JPA 02-088, AG Contract No.: KR02-1959TRN, filed with the Secretary of State No. 26002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF GLENDALE, acting by and through its CITY MANAGER (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 9-240 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

The purpose of this Amendment is to: 1) Incorporate a 7<sup>th</sup> element for the design of 67<sup>th</sup> Avenue overpass to accommodate a widened section of Northern Avenue, at an estimated cost of \$400,000.00 all at the City's expense. 2) A cost increase of the project as shown on Exhibit A Summary, totaling \$896,469.00. 3) Under the Scope of Work 1.a., increase the cost of the project from \$496,469.00 to \$896,469.00. 4) Under the Scope of Work 1.d., The State will invoice or reimburse the City any difference of the actual cost of the design which includes a fixed rate of 5% for design administration costs. 5) Under the Scope of Work 2.a., the City will remit payment to the State in an estimated amount of \$896,469.00, 6) Under the Scope of Work 2.c., the City will reimburse the State any difference of the actual cost of the design which includes a fixed rate of 5% for design administration costs.

The Agreement is Amended as Follows:

NO. 26002 #01  
Filed with the Secretary of State  
Date Filed: 08/13/03  
Janice K. Brewer  
Secretary of State

By: Tim D. Seeneewald

Paragraphs 3 & 5 are revised as follows:

3. In conjunction with the State's roadway construction improvements of US 60/Grand Avenue at 55<sup>th</sup> & Maryland Avenues and 67<sup>th</sup> & Northern Avenues, the City requests the State incorporate the following 6 elements into the State's construction project: **7) Design of 67<sup>th</sup> Avenue Overpass to accommodate a widened section for Northern Avenue, at an estimated cost of \$400,000**, all at the City's expense, herein referred to as the "State's Project".

5. A summary of costs associated with the State and City Projects, totaling **\$896,469.00**, is detailed on Exhibit A, attached hereto and made a part hereof.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## **II. SCOPE OF WORK**

### **1. The State:**

Paragraph a. & d., increased the cost of the project as shown on exhibit A:

a. Upon execution of this agreement, will invoice the City **\$896,469.00**, which includes the estimated costs of the State's Project, including a fixed rate of 14% for construction engineering and administration costs and a fixed rate of 5% for design engineering administration costs, and a deduction for the State's participation in the City's Project, shown on Exhibit A.

d. Upon completion of the State's Project, will invoice or reimburse the City any difference between the amount paid by the City and the actual cost for construction of elements 1 and 3 referenced in paragraph I.3 of the Recitals, which will include a fixed rate of 14% for construction engineering and administration costs, **and the actual cost for design of element 7 referenced in Paragraph 3 of the Recitals, which includes a fixed rate of 5% for design administration costs.**

### **2. The City:**

Paragraph a.& c., increased the cost of the project as shown on exhibit A:

a. Upon execution of this agreement and receipt of an invoice, will remit to the State **\$896,469.00**, which includes the estimated costs of the State's Project, including a fixed rate of 14% for construction engineering and administration costs and a fixed rate of 5% for design engineering administration costs, and a deduction for the State's participation in the City's Project, shown on Exhibit A.

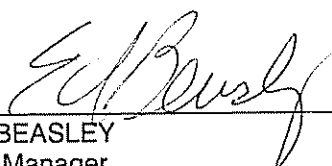
c. Upon completion and acceptance of the State's Project, will reimburse the State any difference between the amount paid by the City and the actual cost for construction of elements 1 and 3, referenced in I.3 of the Recitals, which will include a fixed rate of 14% for construction engineering and administration costs, **and the actual cost for design of element 7 referenced in Paragraph I.3 of the Recitals, which will include a fixed rate of 5% for design administration costs.**

All other terms and conditions of the original Agreement remains in full force and effect.

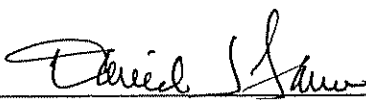
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IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF GLENDALE**, a Municipal  
Corporation, Ed Beasley, City Manager

By   
ED BEASLEY  
City Manager

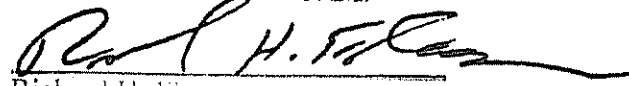
**STATE OF ARIZONA**  
Department of Transportation

By   
DANIEL LANCE P.E.  
Deputy State Engineer

By   
PAMELA OLIVEIRA  
City Clerk *HANNA*

G:\02-88 Amendment No. 1  
29May2003

APPROVED AS TO FORM:

  
Richard H. Flaen  
City Attorney

RESOLUTION NO. 3680 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION (JPA 02-88) TO PROVIDE DESIGN ADJUSTMENTS TO THE 67<sup>TH</sup> AVENUE OVERPASS OVER GRAND AVENUE TO ACCOMMODATE FUTURE CONSTRUCTION OF THE NORTHERN AVENUE SUPER STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:


SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof that an amendment to the Intergovernmental Agreement between the City of Glendale and the Arizona Department of Transportation (KR02-1959TRN / JPA 02-88) be entered into, which amendment is now on file in the office of the City Clerk of the City of Glendale.

SECTION 2. That the Mayor or City Manager and the City Clerk be authorized and directed to execute and deliver said amendment on behalf of the City of Glendale.

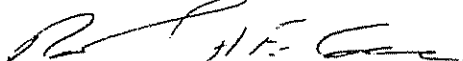
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 24th day of June, 2003.

  
MAYOR

ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

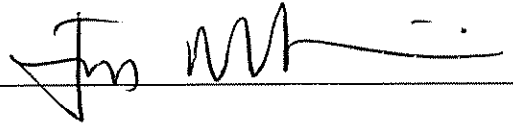
REVIEWED BY:

  
City Manager

APPROVAL OF THE CITY OF GLENDALE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and THE CITY OF GLENDALE, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 24<sup>th</sup> day of July, 2003.

  
\_\_\_\_\_  
Attorney